# 2003 DRAFTING REQUEST

# Bill

Wanted: As time permits				Received By: phurley  Identical to LRB:				
								For: Joh
This file								
May Cor	ntact:		·		Addl. Drafters:			
Subject: Transportation - motor vehicles				Extra Copies: TNF, ARG				
Submit v	via email: YES							
Requeste	er's email:	Rep.Ainsw	orth@legis.s	tate.wi.us		• .		
Carbon o	copy (CC:) to:			•			,	
Pre Top	oic:							
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Topic:							· ·	
Headligh	nts required in i	nclement weat	her					
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Drafting	g History:			<u> </u>	<u> </u>			
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	phurley 11/29/2002	chanaman 12/30/2002					State	
/1			pgreensl 01/02/2003		amentkow 01/02/2003	sbasford 01/07/2003		

01/07/2003 02:51:19 PM Page 2

FE Sent For:

<**END>** 

# 2003 DRAFTING REQUEST

# Bill

Received: 11/25/2002  Wanted: As time permits				Received By: phurley Identical to LRB:				
								For: Joh
This file may be shown to any legislator: NO				Drafter: phurley				
May Contact:				Addl. Drafters:				
Subject:	Transpo	ortation - moto	or vehicles		Extra Copies:	TNF, AR	G	
Submit	via email: YES							
Request	er's email:	Rep.Ainsw	orth@legis	.state.wi.us				
Carbon	copy (CC:) to:							
Pre Top	pic:		•		·			
No spec	ific pre topic gi	ven						
Topic:					<del></del>			
Headlig	hts required in i	nclement weatl	ner					
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redraft (	01 AB 485, as e	dited		•}				
Draftin	g History:		·				•	
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
<b>/?</b>	phurley 11/29/2002	chanaman 12/30/2002	•				State	
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01/02/2003 11:05:21 AM Page 2

FE Sent For:

<END>

### 2003 DRAFTING REQUEST

Bill

Received: 11/25/2002

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing: kristina boardman

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject:

**Transportation - motor vehicles** 

Extra Copies:

TNF, ARG

Submit via email: YES

Requester's email:

Rep.Ainsworth@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Headlights required in inclement weather

**Instructions:** 

redraft 01 AB 485, as edited

**Drafting History:** 

Vers.

Drafted

Reviewed

**Typed** 

Proofed

Submitted

**Jacketed** 

Required

FE Sent For:

12/27

/3/<sub>03</sub>

/3/20 <EN

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### State Representative • 6th Assembly District

Chair: Assembly Committee on Rural Affairs

### **MEMORANDUM**

To:

Peggy Hurley, Legislative Reference Bureau Attorney

From:

Representative John Ainsworth

Date:

November 20, 2002

Re:

Amended Redraft of 2001 Assembly Bill 485

I would like to request a redraft of 2001 Assembly Bill 485 for introduction during the 2002-03 legislative session. A.B. 485 relates to requiring headlights and other required lamps on vehicles to be lighted when visibility is limited by inclement weather and providing a penalty. A copy of A.B. 485 is attached for your reference.

The one minor change I would like to make to the previously introduced draft involves the language that is used to describe "inclement weather". The original draft states that lamps must be lighted "whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility is impaired by inclement weather..." Instead, I would like the new draft to specify that lamps must be lighted "whenever climatic conditions limit visibility." I have made a note of this language change on the attached draft.

If you have any questions regarding this legislative draft request, please do not hesitate to contact Kristina Boardman in my office at 266-3097. Thank you in advance for your attention to this request.



August 31, 2001 – Introduced by Representatives Ainsworth, Krawczyk, Ladwig, Lippert, McCormick, Ott, Owens, Powers, Ryba, Starzyk. Sykora and Townsend, cosponsored by Senator Harsdorf. Referred to Committee on Highway Safety.

AN ACT to amend 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4), 347.12 (1) (intro.), 347.13 (1), 347.16 (1) (intro.) and 347.16 (2) (intro.); and to create 347.06 (1m) and 347.06 (5) of the statutes; relating to: requiring headlights and other required lamps on vehicles to be lighted when visibility is limited by inclement weather and providing a penalty.

### Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle upon a highway during hours of darkness unless any required headlamps, tail lamps, and clearance lamps of the vehicle are lighted. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$20 for a first offense and not less than \$25 nor more than \$50 for a second or subsequent conviction within a year.

This bill provides that these lamps must also be lighted whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility is impaired by inclement weather, except when headlamps that are automatically activated are lighted. A person who violates this provision is subject to the same minimum and maximum forfeiture amounts that may be imposed for failure to use these lamps during hours of darkness, although the bill prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine whether the required lamps are lit during periods of inclement weather.

The bill also requires certain vehicles to be equipped with rear reflectors whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility is limited by inclement weather.

climatic conditions limit visibility

climatic com Condition Invitability

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Section 1.** 29.924 (2) of the statutes is amended to read:

enforcement duties, wardens may operate motor vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness or whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility is impaired by inclement weather, without lighted headlamps, tail lamps, or clearance lamps, contrary to s. 347.06 (1) or (1m), if the driving will aid in the accomplishment of a lawful arrest for violation of this chapter or in ascertaining whether a violation of this chapter has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

**Section 2.** 347.06 (1) of the statutes is amended to read:

347.06 **(1)** Except as provided in subs. (2) and (4), no person may operate a vehicle upon a highway during hours of darkness unless all headlamps, tail lamps, and clearance lamps with which such that the vehicle is required to be equipped with are lighted. Parking lamps as defined described in s. 347.27 shall may not be used for this purpose.

**Section 3.** 347.06 (1m) of the statutes is created to read:

347.06 (1m) Except as provided in subs. (2) and (4), no person may operate a filled to the control of the contr

other time visibility is impaired by inclement weather unless all headlamps, tail
lamps, and clearance lamps that the vehicle is required to be equipped with are
lighted. Parking lamps as described in s. 347.27 may not be used for this purpose.
This subsection does not apply if lamps that are automatically activated whenever
the vehicle is started are in use, if the headlamps are of sufficient intensity to satisfy
the requirements for daytime running lamps under 49 CFR 571.108, S5.5.11 (a).

**SECTION 4.** 347.06 (4) of the statutes is amended to read:

347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate a vehicle owned or leased by the department of natural resources upon a highway during hours of darkness or whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility is impaired by inclement weather, without lighted headlamps, tail lamps, or clearance lamps in the performance of the warden's duties under s. 29.924 (2).

**SECTION 5.** 347.06 (5) of the statutes is created to read:

347.06 (5) Notwithstanding s. 349.02, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with sub. (1m) or a local ordinance in conformity with sub. (1m). This subsection does not limit the authority of a law enforcement officer to issue a citation for a violation of sub. (1m) or a local ordinance in conformity with sub. (1m) observed in the course of a stop or inspection made for other purposes, except that a law enforcement officer may not take a person into physical custody solely for a violation of sub. (1m) or a local ordinance in conformity with sub. (1m).

Section 6. 347.09 (1) (intro.) of the statutes is amended to read:

347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever

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it is raining, snowing, sleeting	, or hai	ling, or at any bu	<del>her time visibilit</del>	y is impaired
<del>by inclement weat</del> her, unless			•	•

**Section 7.** 347.10 (4) of the statutes is amended to read:

subject to the exceptions contained in s. 347.06 (1m), whenever it is ruining, snowing. Sheeting, or hailing, or at any other time visibility is impaired by inclement weather, when equipped with 2 lighted lamps upon the front thereof of the motor vehicle capable of revealing persons and objects 75 feet ahead in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall have any type of decorative covering that restricts the amount of light emitted when the lighted lamp is in use. This subsection does not apply to any type of decorative covering originally equipped on the vehicle at the time of manufacture and sale.

**SECTION 8.** 347.12 (1) (intro.) of the statutes is amended to read:

during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting, or hailing, or a darry other time visibility is impaired by inclement weather, the operator shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal a person or vehicle at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

**SECTION 9.** 347.13 (1) of the statutes is amended to read:

347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or semitrailer upon a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting, or hailing, or

at any other time visibility is impaired by inclement weather, unless such the motor
vehicle, mobile home, or trailer or semitrailer is equipped with at least one tail lamp
mounted on the rear which, when lighted during hours of darkness, emits a red light
plainly visible from a distance of $500$ feet to the rear. No tail lamp shall have any type
of decorative covering that restricts the amount of light emitted when the tail lamp
is in use. No vehicle originally equipped at the time of manufacture and sale with
2 tail lamps shall be operated upon a highway during hours of darkness <u>or, subject</u>
to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, flimit with the sleeting, or hailing, or at any other time visibility is impaired by inclement weather.
unless both such lamps are in good working order. This subsection does not apply
to any type of decorative covering originally equipped on the vehicle at the time of
manufacture and sale.

**SECTION 10.** 347.16 (1) (intro.) of the statutes is amended to read:

347.16 (1) (intro.) No person shall operate on a highway during hours of darkness any vehicle, except automobiles, having a width at any part in excess of 80 inches during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting, or hailing for at any other time visibility is impaired by inclement weather, unless such the vehicle is equipped with:

**SECTION 11.** 347.16 (2) (intro.) of the statutes is amended to read:

347.16 (2) (intro.) No person shall operate any of the following vehicles on a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting, or hailing, of at any other time wisibility is impaired by inclement weather, unless such the vehicles are equipped as indicated:

PJH:hmh:rs

CP)-please proof amended Sections w/ Polisi

August 31, 2001 - Introduced by Representatives Ainsworth, Krawczyk, Labwig, LIPPERT, McCormick, Ott, Owens, Powers, Ryba, Starzyk, Sykora and Townsend, cosponsored by Senator Harsdorf. Referred to Committee on Highway Safety.

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AN ACT to amend 29.924 (2), 347.06 (1), 347.06 (4), 347.09 (1) (intro.), 347.10 (4), 347.12 (1) (intro.), 347.13 (1), 347.16 (1) (intro.) and 347.16 (2) (intro.); and to create 347.06 (1m) and 347.06 (5) of the statutes; relating to: requiring headlights and other required lamps on vehicles to be lighted when visibility is limited by inclement weather and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle upon a highway during hours of darkness unless any required headlamps, tail lamps, and clearance lamps of the vehicle are lighted. A person who violates this requirement may be required to pay a forfeiture of not less than \$10 nor more than \$20 for a first offense and not less than \$25 nor more than \$50 for a second or subsequent conviction within a year.

This bill provides that these lamps must also be lighted whenever it is raining, showing, sleeting, or hailing, or at any other time visibility is impaired by inclement weather, except when headlamps that are automatically activated are lighted. A person who violates this provision is subject to the same minimum and maximum forfeiture amounts that may be imposed for failure to use these lamps during hours of darkness, although the bill prohibits a law enforcement officer from stopping or inspecting a vehicle solely to determine whether the required lamps are lit during periods of indement weathern when climate conditions limit visibility.

The bill also requires certain vehicles to be equipped with rear reflectors whenever it is raiking, snowing, sleeting, or hailing, or at any other time visibility is limited by inclement weather?

climatic conditions

climatic conditions limit Visibility

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### **ASSEMBLY BILL 485**

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.924 (2) of the statutes is amended to read:

enforcement duties, wardens may operate motor vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness on whenever it is raining showing sleeting, or healing, or at any other time visibility is impaired by inclement weather without lighted headlamps, tail lamps, or clearance lamps, contrary to s. 347.06 (1) or (1m), if the driving will aid in the accomplishment of a lawful arrest for violation of this chapter or in ascertaining whether a violation of this chapter has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

**SECTION 2.** 347.06 (1) of the statutes is amended to read:

347.06 (1) Except as provided in subs. (2) and (4), no person may operate a vehicle upon a highway during hours of darkness unless all headlamps, tail lamps, and clearance lamps with which such that the vehicle is required to be equipped with are lighted. Parking lamps as defined described in s. 347.27 shall may not be used for this purpose.

SECTION 3. 347.06 (1m) of the statutes is created to read:

347.06 (1m) Except as provided in subs. (2) and (4), no person may operate a vehicle upon a highway whenever it is raining, snowing, sheeting, or hailing, or at any

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other time visibility is impaired by inclement weather unless all headlamps, tail lamps, and clearance lamps that the vehicle is required to be equipped with are lighted. Parking lamps as described in s. 347.27 may not be used for this purpose. This subsection does not apply if lamps that are automatically activated whenever the vehicle is started are in use, if the headlamps are of sufficient intensity to satisfy the requirements for daytime running lamps under 49 CFR 571.108, S5.5.11 (a).

**SECTION 4.** 347.06 (4) of the statutes is amended to read:

347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate a vehicle owned or leased by the department of natural resources upon a highway during hours of darkness or whenever it is raining, snowing, sleeting, or hailing, or at any other time visibility is impaired by inclement weather without lighted headlamps, tail lamps, or clearance lamps in the performance of the warden's duties under s. 29.924 (2).

**Section 5.** 347.06 (5) of the statutes is created to read:

or inspect a vehicle solely to determine compliance with sub. (1m) or a local ordinance in conformity with sub. (1m). This subsection does not limit the authority of a law enforcement officer to issue a citation for a violation of sub. (1m) or a local ordinance in conformity with sub. (1m) observed in the course of a stop or inspection made for other purposes, except that a law enforcement officer may not take a person into physical custody solely for a violation of sub. (1m) or a local ordinance in conformity with sub. (1m).

SECTION 6. 347.09 (1) (intro.) of the statutes is amended to read:

347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever

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snowing, sleeting, or halling, or at any other time visibility is impaired

by inclement weather unless such the vehicle is equipped as follows:

SECTION 7. 347.10 (4) of the statutes is amended to read:

347.10 (4) Any motor vehicle may be operated during hours of darkness on subject to the exceptions contained in s. 347.06 (1m), whenever it is raining showing sleeting, or hailing, or at any other time visibility is impaired by inclement weather. when equipped with 2 lighted lamps upon the front thereof of the motor vehicle capable of revealing persons and objects 75 feet ahead in lieu of lamps required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess of 20 miles per hour. No lighted lamp under this subsection shall have any type of decorative covering that restricts the amount of light emitted when the lighted lamp is in use. This subsection does not apply to any type of decorative covering originally equipped on the vehicle at the time of manufacture and sale.

SECTION 8. 347.12 (1) (intro.) of the statutes is amended to read:

347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, showing, steeting, or hailing, or at any other time visibility is impaired by inclement weather the operator shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal a person or vehicle at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

SECTION 9. 347.13 (1) of the statutes is amended to read:

347.13 (1) No person shall operate a motor vehicle, mobile home, or trailer or semitrailer upon a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever Wis raining, snowing, sleeting, or hailing, or

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at any other time visibility is impaired by inclement weather funless such the motor
vehicle, mobile home, or trailer or semitrailer is equipped with at least one tail lamp
mounted on the rear which, when lighted during hours of darkness, emits a red light
plainly visible from a distance of 500 feet to the rear. No tail lamp shall have any type
of decorative covering that restricts the amount of light emitted when the tail lamp
is in use. No vehicle originally equipped at the time of manufacture and sale with
2 tail lamps shall be operated upon a highway during hours of darkness <u>or, subject</u>
to the exceptions contained in s. 347.06 (1m), whenever the is remained showings
sleeting, or hailing, or at any other time visibility is impaired by inclement weather,
unless both such lamps are in good working order. This subsection does not apply
to any type of decorative covering originally equipped on the vehicle at the time of
manufacture and sale. Climatic conditions limit

SECTION 10. 347.16 (1) (intro.) of the statutes is amended to read:

347.16 (1) (intro.) No person shall operate on a highway during hours of darkness any vehicle, except automobiles, having a width at any part in excess of 80 inches during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting, or hailing, or at any other time. As in the paired by inclement weather unless such the vehicle is equipped with:

Section 11. 347.16 (2) (intro.) of the statutes is amended to read:

347.16 (2) (intro.) No person shall operate any of the following vehicles on a highway during hours of darkness or, subject to the exceptions contained in s. 347.06 (1m), whenever it is raining, snowing, sleeting or hairing, or at any other time visibility is impaired by inelement weather, unless such the vehicles are equipped as indicated:

### Mentkowski, Annie

From: Sent:

Boardman, Kristina

Tuesday, January 07, 2003 1:41 PM

LRB.Legal

To: Subject:

Draft review: LRB-0898/1 Topic: Headlights required in inclement weather

It has been requested by <Boardman, Kristina> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0898/1 Topic: Headlights required in inclement weather